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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/724,744

12/02/2003

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TSEN3051/EM

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23364 7590 06/13/2007  
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EXAMINER

RIGGLEMAN, JASON PAUL

ART UNIT

PAPER NUMBER

1746

MAIL DATE

DELIVERY MODE

06/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/724,744

Applicant(s)

TSENG ET AL.

Examiner

Jason P. Riggelman

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. Applicant's amendments, filed 3/15/2007 have been received. Current pending claims are claims 1-6. Claims 1 and 6 are currently amended. Claims 2-5 are original. Claims 7-14 are cancelled.

### ***Response to Arguments***

2. In view of the applicant's amendments, 112, second paragraph, rejection of claim 6 is withdrawn. Also, the 102 (b) rejection of claims 1-3 over Fujiymara et al. (US Patent No. 4393807) is withdrawn in view of the amendments. The 102 (b) rejection of claims 1-3 and 6 over Hosack et al. (US Patent Application Publication No. 2002/0185153) is withdrawn in view of the amendments. The 103 (a) rejection of claims 4-5 over Hosack et al. are withdrawn in view of the amendments.

3. Applicant's arguments filed 3/15/2007 have been fully considered but they are not persuasive with regards to the 102 (b) rejections of claim 1-3 over Nishimura et al. (Japanese Patent Application Publication No. 10-034054). The applicant argues that the roughening unit (plural projection parts 16a formed in the inside of the guard means -- spin cup) are not formed at an upper periphery of the guard means stating that they are "lower, because of the inclination of the spin cup wall". The examiner disagrees since Figs. 1 and Figs. 4 of Nishimura et al. show a guard means (cup 6) which has a roughening unit (16a) covering the entire inner surface --- including the upper periphery; therefore, the applicant's logic is not understood.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being unpatentable by Nishimura (JP Patent Application Publication No. 10-034054).

6. Nishimura teaches a device which may be used to apply a resist solution to a wafer in the manufacture of semiconductor devices. The spin-chuck 3, Fig. 4, holds the semiconductor wafer 4. A liquid spray unit, nozzle 5, is supplied for spraying a liquid developer (resist) to the wafer W and a guard means is supplied by a spin cup 6, Fig. 4. The inside surface 16a of the spin cup 16 has a roughly finished surface (roughening unit covering entire inner surface including upper periphery) with "wave-like" hatching, Fig. 1, – this feature increases the surface area of the inside of the cup and provides the effect that liquid more strongly adhered to the surface of the spin cup and rebounding of the solution is decreased paragraph [0018] and abstract (of JPO machine translation). The apparatus is capable of use with a developing apparatus (resist coating device).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (JP Patent Application Publication No. 10-034054), as applied to claim 1, above.

9. The use of stainless steel as an engineering material is well known and common for applications where strength and corrosion resistance are desired. Hosack et al. does not teach a guard or web made of stainless steel; however, it would have been obvious to one of ordinary skill in the art to modify the web-type splash guard of Nishimura et. al. such as to make it of stainless steel. This would create a guard made of a traditional material well known to have excellent strength and to be resistant to corrosion or harsh conditions.

### ***Conclusion***

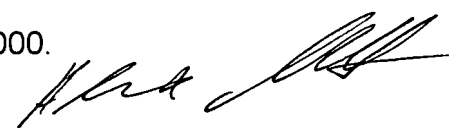
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Rigglesman whose telephone number is 571-272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason P Rigglesman  
Examiner  
Art Unit 1746

JPR

ALEXANDER MARKOFF  
- BY FAX -